

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

TRANSAMERICA OCCIDENTAL)
LIFE INSURANCE COMPANY,)
Plaintiff)

C.A. No. 05-0374/T

v.)

DIANE E. SHERMAN and)
BRIAN V. COLICCI, TRUSTEES,)
Defendants)

ORDER

Plaintiff Transamerica Occidental Life Insurance Company having moved on October 3, 2005 for leave to deposit funds into the Registry of the Court, defendants having filed no objection thereto and the Court having heard the same on November 15, 2005, it is hereby ORDERED:

1. Plaintiff's motion is granted.
2. Plaintiff shall deposit the sum of \$873,056.37 (representing the policy benefit plus interest accrued to November 15, 2005) into the Registry of the Court (specifically an interest-bearing account with the Bank of America) on or before November 29, 2005.
3. Plaintiff may file a motion to recover attorneys' fees from funds deposited into the Court's Registry on or before December 9, 2005.
4. Pursuant to the Court's General Order entered December 3, 1990, the Clerk is directed to deduct from income earned on the investment a fee in the amount of 10% of the income earned whenever such income becomes available for such deduction in the investment so held and without further order of the Court.
5. Upon plaintiff's deposit of funds into the Registry of the Court, plaintiff shall be discharged of any and all liability in connection with policy proceeds arising from the

death of Jessie G. Colicci and all other parties shall thereafter be permanently enjoined from prosecuting or maintaining any claims against plaintiff respecting the life insurance policy at issue.

6. Upon plaintiff's deposit of funds into the Registry of the Court, plaintiff shall be excused from further proceedings except for those with respect to plaintiff's motion to recover attorneys' fees.

SO ORDERED:

A handwritten signature in black ink, appearing to be "R. J. M.", written over a horizontal line.

ENTER:

Ernest C. Torres
J.

Date: November 29, 2005

SUBMITTED BY: Brooks R. Magratten, Esq., #3585, VETTER & WHITE, 20 Washington Place, Providence, Rhode Island 02903 (401) 421-3060.

CERTIFICATE OF SERVICE

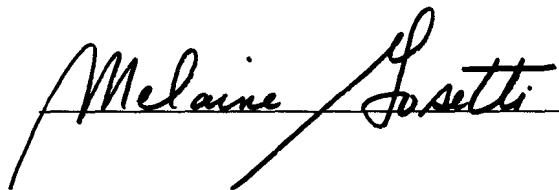
TO:

A. Lauriston Parks, Esq.
10 Coronado Street
Jamestown, RI 02835

William Poore, Esq.
Poore & Rosenbaum, LLP
The Commerce Center
30 Exchange Terrace
Providence, RI 02901-1117

Kenneth P. Borden, Esq.
Higgins Cavanagh & Cooney, LLP
The Hay Building, Fourth Floor
123 Dyer Street
Providence, RI 02903

I hereby certify I caused to be served on the above-named counsel of record a copy of the within Order by first class mail, postage prepaid, on the 23rd day of November, 2005.

Melaine Lozetti